

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-00957-RBW**

LEOPOLD et al v. U.S. DEPARTMENT OF JUSTICE et al

Assigned to: Judge Reggie B. Walton

Lead case: [1:19-cv-00810-RBW](#)

Member case: ([View Member Case](#))

Case: [1:19-cv-00810-RBW](#)

Cause: 05:552 Freedom of Information Act

Plaintiff

JASON LEOPOLD

Date Filed: 04/04/2019

Jury Demand: None

Nature of Suit: 895 Freedom of Information Act

Jurisdiction: U.S. Government Defendant

represented by **Joshua Hart Burday**
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Plaintiff

BUZZFEED INC.

represented by **Joshua Hart Burday**
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Matthew Topic
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V.

Defendant

U.S. DEPARTMENT OF JUSTICE

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Defendant

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Defendant

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Defendant

**DOJ OFFICE OF SPECIAL
COUNSEL**

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Movant

**CITIZENS FOR RESPONSIBILITY
AND ETHICS IN WASHINGTON**

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Date Filed	#	Docket Text
04/04/2019	<u>1</u>	COMPLAINT against DOJ DEPUTY ATTORNEY GENERAL, DOJ OFFICE OF ATTORNEY GENERAL, DOJ OFFICE OF SPECIAL COUNSEL, U.S. DEPARTMENT OF JUSTICE (Filing fee \$ 400 receipt number 0090-6041154) filed by JASON LEOPOLD, BUZZFEED INC.. (Attachments: # <u>1</u> Exhibit A – FOIA Request, # <u>2</u> Exhibit B – DOJ Response, # <u>3</u> Civil Cover Sheet Civil Cover Sheet, # <u>4</u> Summons Summons)(Topic, Matthew) (Entered: 04/04/2019)
04/04/2019	<u>2</u>	NOTICE of Appearance by Matthew Topic on behalf of BUZZFEED INC., JASON LEOPOLD (Topic, Matthew) (Entered: 04/04/2019)
04/04/2019	<u>3</u>	NOTICE of Appearance by Joshua Hart Burday on behalf of BUZZFEED INC., JASON LEOPOLD (Burday, Joshua) (Entered: 04/04/2019)
04/04/2019	<u>4</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by BUZZFEED INC. (Topic, Matthew) (Entered: 04/04/2019)
04/04/2019	<u>5</u>	MOTION for Preliminary Injunction by BUZZFEED INC., JASON LEOPOLD (Attachments: # <u>1</u> Exhibit A – Leopold Decl, # <u>2</u> Text of Proposed Order Proposed Order)(Topic, Matthew) (Entered: 04/04/2019)
04/04/2019	<u>6</u>	MOTION to Expedite <i>Plaintiff's Request for Expedited Preliminary Injunction Hearing</i> , MOTION for Hearing re <u>5</u> MOTION for Preliminary Injunction by BUZZFEED INC., JASON LEOPOLD (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Topic, Matthew) (Entered: 04/04/2019)

04/05/2019		Case Assigned to Judge Timothy J. Kelly. (zsb) (Entered: 04/05/2019)
04/05/2019	<u>7</u>	SUMMONS (6) Issued Electronically as to DOJ DEPUTY ATTORNEY GENERAL, DOJ OFFICE OF ATTORNEY GENERAL, DOJ OFFICE OF SPECIAL COUNSEL, U.S. DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 04/05/2019)
04/08/2019	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/5/2019. Answer due for ALL FEDERAL DEFENDANTS by 5/5/2019. (Topic, Matthew) (Entered: 04/08/2019)
04/09/2019	<u>9</u>	Case reassigned to Judge Reggie B. Walton as there is an earlier related case. Judge Timothy J. Kelly is no longer assigned to the case. (rj) (Entered: 04/11/2019)
04/11/2019	<u>10</u>	ORDER. In accordance with the reasons stated in the attached Order, it is hereby ORDERED that the defendants shall file their opposition to the plaintiffs' motion for a preliminary injunction on or before 12:00 p.m. on April 15, 2019. It is further ORDERED that the plaintiffs shall file their reply in support of their motion on or before 12:00 p.m. on April 16, 2019. It is further ORDERED that the <u>6</u> Plaintiffs' Request for Expedited Preliminary Injunction Hearing is GRANTED IN PART and DENIED IN PART. The motion is granted to the extent that the plaintiffs seek a hearing on their motion for a preliminary injunction. The motion is denied in all other respects. It is further ORDERED that the parties shall appear before the Court for a hearing on the Plaintiffs' Combined Motion for Preliminary Injunction and Memo in Support on April 16, 2019, at 2:00 p.m. Signed by Judge Reggie B. Walton on April 11, 2019. (lcrbw1) (Entered: 04/11/2019)
04/11/2019	<u>11</u>	ORDER. In accordance with the reasons stated in the attached Order, it is hereby ORDERED that, on or before April 19, 2019, the parties in the above-captioned matters shall SHOW CAUSE as to why the cases should not be consolidated. Signed by Judge Reggie B. Walton on April 11, 2019. (lcrbw1) (Entered: 04/11/2019)
04/11/2019	<u>12</u>	NOTICE of Appearance by Courtney Danielle Enlow on behalf of All Defendants (Enlow, Courtney) (Entered: 04/11/2019)
04/12/2019		Set/Reset Deadlines: Responses to Show Cause Order due by 4/19/2019. (hs) (Entered: 04/12/2019)
04/12/2019		Set/Reset Deadlines/Hearings: Response due by 4/15/2019 Reply due by 4/16/2019. Motion Hearing set for 4/16/2019 at 02:00 PM in Courtroom 16 before Judge Reggie B. Walton. (hs) (Entered: 04/12/2019)
04/12/2019	<u>13</u>	RESPONSE TO ORDER TO SHOW CAUSE by DOJ DEPUTY ATTORNEY GENERAL, DOJ OFFICE OF ATTORNEY GENERAL, DOJ OFFICE OF SPECIAL COUNSEL, U.S. DEPARTMENT OF JUSTICE re <u>11</u> Order, . (Attachments: # <u>1</u> Text of Proposed Order)(Enlow, Courtney) (Entered: 04/12/2019)
04/12/2019	<u>14</u>	RESPONSE re <u>5</u> MOTION for Preliminary Injunction filed by DOJ DEPUTY ATTORNEY GENERAL, DOJ OFFICE OF ATTORNEY GENERAL, DOJ OFFICE OF SPECIAL COUNSEL, U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Index to Exhibits, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(Enlow, Courtney) (Entered: 04/12/2019)
04/12/2019	<u>15</u>	MOTION to Vacate <u>10</u> Order on Motion to Expedite,,, Order on Motion for Hearing,,, <i>Motion to Vacate Hearing on Plaintiffs' Motion for a Preliminary Injunction</i> by DOJ DEPUTY ATTORNEY GENERAL, DOJ OFFICE OF ATTORNEY GENERAL, DOJ OFFICE OF SPECIAL COUNSEL, U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Index to Exhibits, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(Enlow, Courtney) (Entered: 04/12/2019)
04/15/2019	<u>16</u>	REPLY to opposition to motion re <u>5</u> MOTION for Preliminary Injunction <i>Plaintiffs' Reply in Support of Their Motion for Preliminary Injunction</i> filed by BUZZFEED INC., JASON LEOPOLD. (Topic, Matthew) (Entered: 04/15/2019)
04/16/2019	<u>17</u>	ORDER. In accordance with the reasons stated in the attached Order, it is hereby ORDERED that the Defendants' Opposition to Plaintiffs' Motion for a Preliminary Injunction and Defendants' Motion to Vacate Hearing is Denied, Signed by Judge

		Reggie B. Walton on April 16, 2019. (lcrbw1) (Entered: 04/16/2019)
04/16/2019		Minute Entry for proceedings held before Judge Reggie B. Walton: Motion Hearing held on 4/16/2019 re <u>5</u> MOTION for Preliminary Injunction filed by BUZZFEED INC., JASON LEOPOLD. Oral argument heard, and motion is DENIED for reasons stated on the record. Status conference remains scheduled for 5/2/19 @ 10am in case 19 cv 810. (Court Reporter: Lisa Edwards.) (tj) (Entered: 04/16/2019)
04/18/2019	<u>18</u>	ORDER. In accordance with the Court's oral rulings issued at the motion hearing held on April 16, 2019, it is hereby ORDERED that the <u>5</u> Plaintiffs' Combined Motion for Preliminary Injunction and Memo in Support is DENIED WITHOUT PREJUDICE. Specifically, the motion is denied because the plaintiffs have not satisfied their burden of demonstrating that they have a substantial likelihood of success on the merits of their claim and that they face irreparable harm in the absence of an injunction. It is further ORDERED that the government shall file its answer to the plaintiffs' Complaint on or before April 25, 2019. It is further ORDERED that the parties shall appear before the Court on May 2, 2019, at 10:00 a.m. to discuss how the parties wish to proceed in this case. Signed by Judge Reggie B. Walton on April 18, 2019. (lcrbw1) (Entered: 04/18/2019)
04/19/2019		Set/Reset Deadlines: Answer to the Complaint due by 4/25/2019, (hs) (Entered: 04/19/2019)
04/19/2019		Set/Reset Hearings: Status Conference set for 5/2/2019 at 10:00 AM in Courtroom 16 before Judge Reggie B. Walton. (hs) (Entered: 04/19/2019)
04/19/2019	<u>19</u>	NOTICE <i>Plaintiffs' Position on Consolidation</i> by BUZZFEED INC., JASON LEOPOLD (Topic, Matthew) (Entered: 04/19/2019)
04/22/2019	<u>20</u>	ORDER. In accordance with the reasons stated in the attached Order, it is hereby ORDERED that the parties' obligations under the Court's April 11, 2019 Order to Show Cause are DISCHARGED. It is further ORDERED that, to the extent that the plaintiffs in the above-captioned matters are seeking the release of the Special Counsel Mueller's report regarding the investigation into Russian interference in the 2016 United States presidential election, Case No. 19-cv-810 is CONSOLIDATED with Case No. 19-cv-957. It is further ORDERED that the parties shall make all future filings only in Case No. 19-cv-810, and the Clerk of the Court shall refuse to accept any filings in Case No. 19-cv-957. Signed by Judge Reggie B. Walton on April 22, 2019. (lcrbw1) (Entered: 04/22/2019)
04/22/2019		Cases consolidated. Cases 19-cv-810 and 19-cv-957 have been consolidated pursuant to an Order entered 4/22/19. From this date forward, all pleadings shall be filed ONLY in the lead case, Civil Action No. 19cv810. The parties are advised NOT to select the SPREAD TEXT option when filing in ECF, as this will result in repetitive docketing and emails. (ztd) (Entered: 04/25/2019)
04/23/2019	<u>21</u>	<p>TRANSCRIPT OF MOTIONS HEARING before Judge Reggie B. Walton held on April 16, 2019; Page Numbers: 1-18. Date of Issuance: April 23, 2019. Court Reporter/Transcriber Lisa Edwards. Telephone number (202) 354-3269. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter r eferenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 5/14/2019. Redacted Transcript Deadline set for 5/24/2019. Release of Transcript Restriction set for 7/22/2019.(Edwards, Lisa) (Entered: 04/23/2019)</p>

05/02/2019		Minute Entry for Status Conference proceedings held on 5/2/2019 before Judge Reggie B. Walton: Defendant's summary judgment motions due by 6/3/2019. Plaintiffs' response to the summary judgment and cross motions for summary judgment due by 6/24/2019. Reply to motions for summary judgment and response to cross motions due by 7/8/2019. Reply to cross motions due by 7/15/2019. Status Report on the remaining records due by 6/17/2019. Status Conference set for 7/2/2019 at 10:00 AM in Courtroom 16. Status Conference set for 8/5/2019 at 10:00 AM in Courtroom 16 before Judge Reggie B. Walton. (Court Reporter Cathryn Jones) Associated Cases: 1:19-cv-00810-RBW, 1:19-cv-00957-RBW(gdf) (Entered: 05/02/2019)
06/17/2019		Set/Reset Hearings: Status Conference reset for 7/2/2019 at 12:00 PM in Courtroom 16 before Judge Reggie B. Walton. Associated Cases: 1:19-cv-00810-RBW, 1:19-cv-00957-RBW(hs) (Entered: 06/17/2019)
06/19/2019	<u>22</u>	MOTION for Leave to File Excess Pages by BUZZFEED INC., JASON LEOPOLD, BUZZFEED INC., JASON LEOPOLD (Attachments: # <u>1</u> Text of Proposed Order Proposed Order) Associated Cases: 1:19-cv-00810-RBW, 1:19-cv-00957-RBW(Topic, Matthew) (Entered: 06/19/2019)
06/20/2019		Set/Reset Hearings: Status Conference reset for 8/9/2019 at 02:30 PM in Courtroom 16 before Judge Reggie B. Walton. Associated Cases: 1:19-cv-00810-RBW, 1:19-cv-00957-RBW(hs) (Entered: 06/20/2019)
06/28/2019	<u>23</u>	MOTION for Leave to File <i>amicus curiae</i> brief by CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON (Attachments: # <u>1</u> Exhibit Proposed Amicus Brief, # <u>2</u> Exhibit Proposed Order, # <u>3</u> Exhibit Corporate Disclosure Statement) Associated Cases: 1:19-cv-00810-RBW, 1:19-cv-00957-RBW(Shaw, Conor) Modified event title on 7/3/2019 (znmw). (Entered: 06/28/2019)
07/02/2019	<u>24</u>	Memorandum in opposition to re (75 in 1:19-cv-00810-RBW, 23 in 1:19-cv-00957-RBW) MOTION to Intervene <i>as amicus curiae</i> filed by U.S. DEPARTMENT OF JUSTICE. Associated Cases: 1:19-cv-00810-RBW, 1:19-cv-00957-RBW(Shapiro, Elizabeth) (Entered: 07/02/2019)
07/08/2019		Set/Reset Deadlines: Reply to Motion for Summary Judgment and Response to Cross Motions due by 7/12/2019. Reply to Cross Motions due by 7/19/2019. Associated Cases: 1:19-cv-00810-RBW, 1:19-cv-00957-RBW(gdf) (Entered: 07/08/2019)
07/19/2019	<u>25</u>	REPLY to opposition to motion re (73 in 1:19-cv-00810-RBW) MOTION for Summary Judgment <i>Plaintiff Jason Leopold's and BuzzFeed Inc.'s Motion for Summary Judgment</i> , (71 in 1:19-cv-00810-RBW) Cross MOTION for Summary Judgment <i>and Motion for In Camera Review</i> filed by BUZZFEED INC., ELECTRONIC PRIVACY INFORMATION CENTER, JASON LEOPOLD. (Attachments: # <u>1</u> Exhibit 1) Associated Cases: 1:19-cv-00810-RBW, 1:19-cv-00957-RBW(Butler, Alan) (Entered: 07/19/2019)